

FILED

AUG 23 2017

DAVID CREWS, CLERK
BY V. Adams Deputy

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA

v.

CRIMINAL NO: 4:17CR 104

KELVIN SMITH

INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about August 24, 2016, in the Northern District of Mississippi, defendant KELVIN SMITH, did unlawfully, knowingly and intentionally distribute a mixture and substance containing a detectable amount of cocaine hydrochloride (powder cocaine), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT TWO

On or about April 7, 2017, in the Northern District of Mississippi, defendant KELVIN SMITH, did unlawfully, knowingly and intentionally distribute a mixture and substance containing a detectable amount of cocaine hydrochloride (powder cocaine), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT THREE

On or about April 13, 2017, in the Northern District of Mississippi, defendant KELVIN SMITH, did unlawfully, knowingly and intentionally distribute a mixture and substance containing a detectable amount of cocaine hydrochloride (powder cocaine), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT FOUR

On or about April 19, 2017, in the Northern District of Mississippi, defendant KELVIN SMITH, did unlawfully, knowingly and intentionally distribute a mixture and substance containing a detectable amount of cocaine hydrochloride (powder cocaine), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT FIVE

On or about April 21, 2017, in the Northern District of Mississippi, defendant KELVIN SMITH, did unlawfully, knowingly and intentionally possess with the intent to distribute a mixture and substance containing a detectable amount of cocaine hydrochloride (powder cocaine), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT SIX

On or about April 21, 2017, in the Northern District of Mississippi, KELVIN SMITH, defendant, did knowingly and intentionally possess firearms: (1) a loaded Glock, Model 23, .40 Caliber semi-automatic pistol, S/N: VMM830/2, (2) a Charter Arms .38 caliber revolver, S/N: 1085677, (3) an unknown make and model .380 caliber semi-automatic pistol, S/N: A86589, in furtherance of the drug trafficking crime alleged in Count Five of this Indictment, which is possession with the intent to distribute cocaine hydrochloride, in violation of Title 18, United States Code, Section 924(c)(1)(A).

Forfeiture Provision

The allegations contained in Count One through Five of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.

This Indictment charges KELVIN SMITH, defendant, with violations of Title 18, United States Code, Section 924(c). Upon conviction of any said violations of the law, the defendant shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to:

- 1) a loaded Glock, Model 23, .40 Caliber semi-automatic pistol, S/N - VMM830/2,
- 2) a Charter Arms .38 caliber revolver, S/N 1085677,
- 3) a .380 caliber semi-automatic pistol, S/N – A86589.

Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Section 841, the defendant, KELVIN SMITH shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense[s] and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense(s). The United States further reserves its right to seek forfeiture in the form of a money judgment against any of the defendants named herein in an amount equal to the illegal proceeds obtained by the defendants as result of the violations specified in this Indictment.

A TRUE BILL



ACTING UNITED STATES ATTORNEY

/s/redacted signature

FOREPERSON